

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,
v.

Civil Action No: 1:18-cv-00668
Hon. Janet T. Neff

GEORGINA’S LLC, dba GEORGINA’S
TACQUERIA,

ANSWER & AFFIRMATIVE DEFENSES

Defendant.

Miles Uhlar (P65008)
Equal Employment Opportunity Commission
Plaintiff
477 Michigan Ave, Room 865
Detroit, MI 48226
(313) 226-3410

Matthew D. Vermetten (P43425)
Pezzetti, Vermetten & Popovits, PC
Attorney for Defendant
600 E. Front Street, Suite 102
Traverse City, MI 49686
(231) 929-3450

DEFENDANT’S ANSWER TO COMPLAINT & AFFIRMATIVE DEFENSES

NOW COMES the Defendant Georgina’s LLC dba Georgina’s Tacqueria (“Georgina’s”),
by and through its counsel Pezzetti, Vermetten & Popovits, PC by Matthew D. Vermetten, and
for its Answer and Affirmative Defenses to Plaintiff Equal Employment Opportunity
Commission (“EEOC”) states as follows:

JURISDICTION & VENUE

1. As to the allegations contained in Paragraph One of Plaintiff’s Complaint, Defendant
neither admit nor deny the allegations contained in Paragraph One inasmuch as it lacks
knowledge or information that is sufficient to form a belief as to the truth of the
allegation and leaves Plaintiff to their strictest proofs.

2. As to the allegations contained in Paragraph Two of Plaintiff's Complaint, Defendant admits the jurisdictional allegation but emphatically denies that any unlawful employment practices were committed for the reason that it is untrue.

PARTIES

3. No Answer required.
4. As to the allegations contained in Paragraph Four of Plaintiff's Complaint, Defendant admits the allegation therein.
5. As to the allegations contained in Paragraph Five of Plaintiff's Complaint, Defendant neither admit nor deny the allegations contained in Paragraph Five inasmuch as it lacks knowledge or information that is sufficient to form a belief as to the truth of the allegation and leaves Plaintiff to their strictest proofs.

ADMINISTRATIVE PROCEDURES

6. As to the allegations contained in Paragraph Six of Plaintiff's Complaint, Defendant admits the allegation therein.
7. As to the allegations contained in Paragraph Seven of Plaintiff's Complaint, Defendant admits that the EEOC issued the referenced letter, but emphatically denies that any unlawful employment practices were committed for the reason that it is untrue.
8. As to the allegations contained in Paragraph Eight of Plaintiff's Complaint, Defendant admits that the referenced communications occurred, but emphatically denies that any unlawful employment practices were committed for the reason that it is untrue.

9. As to the allegations contained in Paragraph Nine of Plaintiff's Complaint, Defendant admits that no conciliation was secured, but emphatically denies that any unlawful employment practices were committed for the reason that it is untrue.
10. As to the allegations contained in Paragraph Ten of Plaintiff's Complaint, Defendant admits that the referenced Notice was issued by Plaintiff.
11. As to the allegations contained in Paragraph Eleven of Plaintiff's Complaint, Defendant neither admit nor deny the allegations contained in Paragraph Eleven insomuch as it lacks knowledge or information that is sufficient to form a belief as to the truth of the allegation and leaves Plaintiff to their strictest proofs.

STATEMENT OF CLAIMS

COUNT I – TITLE VII

12. As to the allegations contained in Paragraph Twelve of Plaintiff's Complaint, Defendant denies the allegations contained therein for the reason that they are untrue.
 - a. Denied as untrue.
 - b. Admitted.
 - c. Denied as untrue.
 - d. Denied as untrue.
 - e. Denied as untrue.
 - f. Denied as untrue.
 - g. Denied as untrue.
13. As to the allegations contained in Paragraph Thirteen of Plaintiff's Complaint, Defendant denies the allegations contained therein for the reason that they are untrue.
 - a. Denied as untrue.

- b. Denied as untrue.
- 14. As to the allegations contained in Paragraph Fourteen of Plaintiff's Complaint, Defendant emphatically denies the allegations contained therein for the reason that they are untrue.
- 15. As to the allegations contained in Paragraph Fifteen of Plaintiff's Complaint, Defendant emphatically denies the allegations contained therein for the reason that they are untrue.
- 16. As to the allegation contained in Paragraph Sixteen of Plaintiff's Complaint, Defendant emphatically denies the allegations contained therein for the reason that they are untrue.

PRAYER FOR RELIEF

Wherefore, Defendant respectfully requests that this Court:

- A. DENY Plaintiff's requested relief in its entirety and DISMISS WITH PREJUDICE Plaintiff's Complaint;
- B. ORDER Plaintiff to pay Defendant's fees and costs wrongfully incurred as a result of addressing this action, as allowable under law;
- C. GRANT such further relief to Defendant as the Court deems necessary and proper.

AFFIRMATIVE DEFENSES

In Response to Plaintiff's Complaint, Defendant states the following affirmative defenses:

- 1. Failure to state a claim upon which relief may be granted
- 2. Claimants own conduct, or by the conduct of its agents, representatives, and consultants
- 3. Fraud
- 4. Unclean hands

5. Any other affirmative defenses that may exist or be discovered through the course of litigation.

Defendant reserves the right to amend its affirmative defenses as required.

Respectfully submitted,

PEZZETTI, VERMETTEN & POPOVITS, PC

Date: July 20, 2018

Matthew D. Vermetten

MATTHEW D. VERMETTEN (P43425)
Pezzetti, Vermetten, & Popovits, P.C.
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